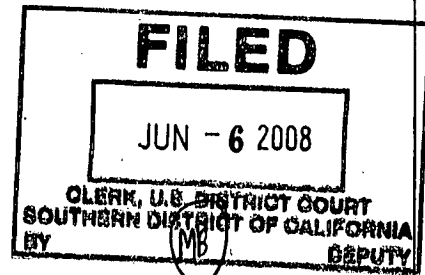


AUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Baudilo GASTELUM

Defendant.

) Mag. Case No. 08MJ 8509
) COMPLAINT FOR VIOLATION OF:
)
) Title 8, U.S.C., Section 1324(a)(1)(A)(ii)
) Illegal Transportation of Aliens
)
)
)
)

The undersigned complainant, being duly sworn, states:

On or about June 5, 2008, within the Southern District of California, defendant Jose Baudilo GASTELUM, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Jose Alberto TOLEDO-Corrales, Blanca MORADO-Lopez and Ernesto MARTINEZ-Mosqueda had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.


Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 6th DAY OF JUNE 2008.


Peter C. Lewis
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Jose Baudilo GASTELUM

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon statements in the investigative
6 reports by U. S. Border Patrol Agent J. Catalioto that on June 5, 2008, the defendant, Jose
7 Baudilo GASTELUM, a United States Citizen was apprehended near Calexico, California, along
8 with (6) six undocumented aliens from Mexico, in violation of law.

9 On June 5 2008, at approximately 7:25 a.m., U.S. Border Patrol Agent's received information
10 from Security at the Calexico, California, East Port of Entry advising there was a white sedan
11 with Baja California Mexico registration plates which loaded up with some suspected illegal
12 aliens heading north on Highway 7 from the Port of Entry. Agent Catalioto was in the area and
13 encountered a white Honda Accord driving north on Highway 7 which matched the description
14 given by the Port Security. Agent Catalioto could see there were several occupants inside.
15 Agent Catalioto could see a young Hispanic male, later identified as Jose Baudilo GASTELUM,
16 with short hair wearing a light colored button up shirt driving the sedan.

17 Agent Catalioto followed the sedan northbound on the highway. Using the emergency
18 lights and siren on his Border Patrol vehicle, Agent Catalioto attempted to stop the sedan to
19 further investigate the occupants inside. The sedan failed to yield for Agent Catalioto. Agents
20 were able to successfully deploy a Controlled Tire Deflation Device (CTDD) on the vehicle, but
21 not before GASTELUM made several evasive maneuvers in an attempt to avoid the CTDD.
22 GASTELUM still failed to stop for agents. GASTELUM made several more abrupt and
23 dangerous turns to exited Interstate 8 northbound on Bower Road. GASTELUM continued to
24 drive the sedan until finally stopping alongside a cement lined canal where he exited the sedan.
25 Agent Catalioto saw GASTELUM exit the sedan through the driver's side door and run.
26 GASTELUM was the only one who ran from the sedan, the other occupants stayed inside of the
27 sedan. After a short foot chase, Agent Catalioto was able to apprehend GASTELUM.

28 Agent H. Acevado encountered the individuals inside the sedan. After identifying
29 himself to the occupants, Agent Acevado questioned them and determined they are citizens of

1 Mexico illegally in the United States. GASTELUM and the other six undocumented aliens were
2 placed under arrest.

3 Material Witnesses Jose Alberto TOLEDO-Corrales, Ernesto MARTINEZ-Mosqueda
4 and Blanca MORADO-Lopez all stated arrangements were made with a smuggler in Mexico for
5 them to be smuggled into the United States for a fee. TOLEDO, MARTINEZ and MORADO
6 stated GASTELUM told them they were being followed by Border Patrol and he still continued
7 to drive even after everyone in the sedan told him to stop. TOLEDO, MARTINEZ and
8 MORADO stated GASTELUM told everyone to run when the sedan stopped.

9 TOLEDO, MARTINEZ and MORADO were all shown a six pack photo line-up and
10 positively identified photo number four, GASTELUM, as the driver of the sedan.

11 The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
14 Jose Alberto TOLEDO-Corrales	Mexico
15 Blanca MORADO-Lopez	Mexico
16 Ernesto MARTINEZ-Mosqueda	Mexico

17
18 Further, complainant states that Jose Alberto TOLEDO-Corrales, Blanca MORADO-
19 Lopez and Ernesto MARTINEZ-Mosqueda are citizens of a country other than the United States;
20 that said aliens have admitted that they are deportable; that their testimony is material, that it is
21 impracticable to secure their attendance at the trial by subpoena; and they are material witnesses
22 in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18,
23 United States Code, Section 3144.
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